

0763/73748
UNITED STATES PATENT AND TRADEMARK OFFICE

JPW/GJC

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADE MARK OFFICE
WASHINGTON, DC 2023
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APPLICATION NO./CONTROL NO. 10/522,427	FILING DATE	FIRST NAMED INVENTOR /PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Sequence Listing Due:

1 mo. 3/2/07
2 mo. 4/2/07
3 mo. 5/2/07
4 mo. 6/2/07
5 mo. 7/2/07
6 mo. 8/2/07 *in*

EXAMINER

Brian J. Gangle

ART UNIT

PAPER

1645

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

m
Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

The claims and specification contain amino acid sequences that do not have the requisite sequence identifiers (sec. for example, claims 1 and 8, and page 4 of the specification. These are only exemplary and applicant should check the entire specification and claims for sequences that are not in compliance.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gangle whose telephone number is (571) 272 - 1181.

Robert A. Zeman
ROBERT A. ZEMAN
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a Sequence Listing as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up Raw Sequence Listing.
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the Sequence Listing is not the same as the computer readable form of the Sequence Listing as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The claims and specification contain amino acid sequences that do not have the requisite sequence identifiers (see, for example, claims 1 and 8, and page 4 of the specification. These are only exemplary and applicant should check the entire specification and claims for sequences that are not in compliance.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the Sequence Listing.
- ☒ An initial or substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rule's Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,427	09/02/2005	Irene Mary Horne	73748/JPW/JL	2297

23432 7590 02/02/2007
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1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

GANGLE, BRIAN J

ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.